



## EDUCATION AND LABOR CABINET

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**KENTUCKY OSH PROGRAM INSTRUCTION 04-2022**  
September 23, 2022

### STANDARDS

29 CFR 1910 Subpart D as adopted by 803 KAR 2:303  
29 CFR 1926 Subpart M as adopted by 803 KAR 2:412  
29 CFR 1926 Subpart R as adopted by 803 KAR 2:417

### SUBJECT

Falls to a lower level

### PURPOSE

This INSTRUCTION contains policies and procedures for implementation of a Local Emphasis Program (LEP) to conduct inspections of employers with employees exposed to fall hazards.

### SCOPE

This INSTRUCTION applies to all employers subject to KRS 338 jurisdiction.

### INSTRUCTION

The Division of Occupational Safety and Health (OSH) Compliance utilizes this INSTRUCTION.

### POLICY

Falls to a lower level continue to be a leading cause of fatalities. This LEP addresses inspection activity associated with employees observed working at height.

Compliance Safety and Health Officers (CSHOs), while traveling during their workday, and during all inspection activity, must be watchful for employees working at elevations which may be considered hazardous. If such exposure is observed, the CSHO must attempt to contact her or his supervisor, or appropriate staff if the supervisor is unavailable, to obtain authorization to begin an immediate inspection. In cases when the CSHO is unable to begin an immediate inspection, the CSHO must immediately notify her or his supervisor, or appropriate staff if the supervisor is unavailable, of the CSHO's observation.

Approval to start an inspection is normally granted provided the activity does not conflict with higher priority inspection activity and the CSHO has the necessary expertise, equipment, and supplies to conduct the inspection.



If the CSHO does not have readily available means to contact her or his supervisor or is unable to reach appropriate office staff who can authorize an inspection, the CSHO will immediately begin a limited scope inspection provided it does not interfere with higher priority inspections or assignments. In these cases, the CSHO will give highest priority to preventing employee exposure to fall hazards. The CSHO must notify her or his supervisor, or appropriate staff, of the inspection as soon as possible.

When an inspection is initiated under this INSTRUCTION based on CSHO observation, the casefile must include a description of the circumstances which resulted in discovery of the employee exposure. The casefile must also indicate if authorization for the inspection was obtained prior to the start of the inspection or an explanation why authorization was not obtained, if applicable.

If the CSHO determines that no employees are working at heights that may present a fall hazard, or that employees are utilizing proper fall protection, the inspection will not be expanded and the CSHO must document those facts in the casefile.

If an employer refuses entry, a warrant must be sought in accordance with established procedures.

#### RECORDING

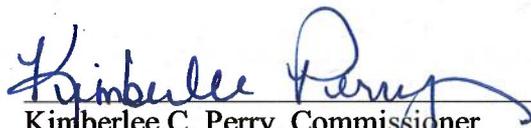
Referral inspections, including a CSHO self-referrals, are recorded as programmed inspections. Select the "Emphasis/Initiatives" tab, select "Local Emphasis Description", select "Add", select "Fall" from the LEP drop down menu. Complaints, fatality/catastrophe, and follow-up inspections are recorded as unprogrammed inspection activity.

#### ADDITIONAL RESOURCES

The Division of OSH Education and Training offers cost-free fall protection resources and training to employers and employees. Information is posted at [www.kysafe.ky.gov](http://www.kysafe.ky.gov).

#### EFFECTIVE DATE

This INSTRUCTION is effective October 1, 2022 and remains in effect until cancelled or superseded.

  
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Kimberlee C. Perry, Commissioner  
Department of Workplace Standards

  
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Seth Bendorf, Director  
Division of Occupational Safety and Health Compliance

